# On the Margins: Noncitizens Caught in Countries Experiencing Violence, Conflict and Disaster[1]

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## Executive Summary

Today, perhaps more than ever, humanitarian crises permeate the lives of millions, triggering increased human movement and repeatedly testing the international community's capacity to respond. Stakeholders within the international community have recognized that existing legal and institutional frameworks for protecting forced migrants are inadequate to address the diversity of movements and needs. This article examines the situation of noncitizens who are caught in violence, conflict, and disaster, and asserts that they are an at-risk population requiring tailored responses.

Recent history has witnessed numerous humanitarian crises in which noncitizens have been among those most seriously affected. With more people than at any other point in history residing outside of their country of origin, the presence of new and sustained eruptions of violence and conflict, and the frequency and intensity of disasters predicted to increase, noncitizens will continue to be caught in countries experiencing crises. Destination countries, as well as origin countries whose citizens are caught in crisis situations abroad, must understand the challenges that noncitizens may encounter in accessing assistance and protection, and must formulate responses to ensure that their needs are adequately accommodated.

While both citizens and noncitizens may encounter difficulties in any given humanitarian crisis, research on five recent crises—the Libyan uprising,

the Tohoku earthquake, the tsunami and Fukushima nuclear accident in Japan, flooding in Thailand, Hurricane Sandy in the United States, and the on-going conflict in Syria—demonstrates that a range of factors create particular challenges for noncitizens. Factors related to the underlying environment in the country undergoing a crisis and the responses of different actors may exacerbate the vulnerability of noncitizens. Moreover, different groups of noncitizens manifest distinct protection needs due to specific attributes. In a given context, the interaction of these factors leads to varying levels of vulnerability for different groups, and the experiences of noncitizens in crisis situations implicate a range of fundamental human rights.

Promising practices which may reduce the vulnerabilities of noncitizens and their exposure to harm during crises include: limiting immigration enforcement activities in favor of dispensing life-saving assistance; communication of emergency and relief messages in multiple languages and modes; facilitating entry and re-entry; and providing targeted relief services. These practices are not limited to countries experiencing crises; origin countries have also displayed judicious actions, undertaking bi-lateral negotiations to address specific needs and seeking external assistance in order to protect their citizens who are caught in crisis situations.

This article seeks to inform ways to mitigate the vulnerabilities and address unmet assistance and protection needs of noncitizens caught in countries experiencing crises. It focuses primarily on vulnerabilities experienced *during* crises, acknowledging the importance of preventative action that targets the potential vulnerabilities and needs of noncitizens. It also acknowledges that assistance and protection needs often persist beyond the abatement of crises and warrant ongoing intervention. The observations presented in this paper are drawn from desk research on a limited number of situations, and therefore, the article is an introductory attempt to call attention to the issues at play when a crisis occurs, rather than an in-depth study of the subject. Nonetheless, it offers recommendations for alleviating the exposure of noncitizens, which include actions aimed at:

- addressing the underlying legal and policy landscape related to crises and relevant areas like immigration so as to account for the presence and needs of noncitizens;
- ensuring that all categories of noncitizens are able to access, understand and navigate information regarding emergency and relief assistance and are able to utilize them; and
- limiting the exposure of noncitizens to harm through targeted measures that address their particular needs and vulnerabilities.

## Part 1: Crisis Migration and Noncitizens as an At-Risk Population

Today, perhaps more than ever, humanitarian crises permeate the lives of millions, triggering increased human movements and repeatedly testing the international community's capacity to respond. In November 2013, the devastation reaped by Typhoon Haiyan in the Philippines affected 14.1 million people and displaced 4.1 million (Yonetani et al. 2014). Weeks later, an escalation of violence among political factions in South Sudan created widespread instability and forced thousands to flee within and across borders, many of whom had only recently returned to settle in the country. Amid prolonged drought, there is also growing concern over severe food insecurity, and the possibility of famine in South Sudan (*IRIN* 2014). Meanwhile, in Syria, almost half of the population is in urgent need of humanitarian assistance due to the armed conflict, including millions of internally displaced persons and those living as refugees in neighboring countries and beyond (IDMC 2014b; UNHCR 2014a). And by late-2014, Ebola had killed thousands of people and crippled much of West Africa, prompting Guinea, Liberia, Mali, Sierra Leone and other countries to adopt measures to curtail movement and prevent the spread of the epidemic (WHO 2014). Across the Atlantic, tens of thousands of children from El Salvador, Guatemala, Honduras and Mexico have been displaced within their countries and across international borders with more than 68,000 apprehended at the US-Mexico border in 2014 after undertaking perilous journeys. Most were escaping pervasive gang and drug cartel violence (UNHCR 2014c).

As is evident from these examples, humanitarian crises—described as any situation in which there is a widespread threat to life, physical safety, health or basic subsistence that is beyond the coping capacity of individuals and the communities in which they reside (Martin, Weerasinghe and Taylor 2014)—may be triggered by a diverse range of events and processes. Triggers include hurricanes, tsunamis, earthquakes, drought, famine, environmental degradation, other impacts of climate change, epidemics or pandemics, nuclear and industrial accidents, acts of terrorism, armed conflict, generalized violence, and political instability. While these triggers may often constitute the immediate "cause" of a humanitarian crisis, underlying stressors related to the political and socio-economic context in a given country or locale, and individual- and community-level agency, resources and capacities, generally determine its scale and intensity.

Human movement stemming from diverse crises is at unprecedented levels and may increase in years to come. The latest statistical compilation from the Office of the United Nations High Commissioner for Refugees (UNHCR) reveals that persecution, conflict, generalized violence, and human rights violations alone had forcibly displaced 51.2 million individuals by the end of 2013 (UNHCR 2014e; Türk 2014), representing the highest figures since UNHCR first began compiling such statistics (Türk 2014). Moreover, during the five-year period between 2008 and 2012, an estimated 143.9 million people in 125 countries were displaced by disasters stemming from rapid-onset weather-related and geophysical hazards such as floods, storms, earthquakes and wildfires (Yonetani 2012, 11). These figures do not necessarily capture displacement emanating from technological hazards (such as nuclear and industrial accidents), biological hazards (such as epidemics and pandemics) and slower-onset processes such as droughts and sea-level rise (IDMC 2014a). In addition, climate change is projected to increase the displacement of people in the twenty-first century (IPCC 2014). Meanwhile, processes of political change do not only

generate instability, but also provoke new movements and protracted needs.

Existing legal and institutional frameworks for protecting forced migrants are inadequate to address the diversity of movements and needs. Frameworks that were conceived to protect those who flee persecution, human rights violations and ongoing conflict, may evolve and possess sufficient elasticity to accommodate "so-called" new phenomena, such as cross-border displacement deriving from gang and drug cartel violence. Even so, they cannot accommodate all those who are compelled to flee as a consequence of other triggers, such as weather-related, geophysical, technological, and biophysical hazards. This understanding is perhaps best captured by the words of the United Nations High Commissioner for Refugees in a ministerial-level address to mark the 60th anniversary of the 1951 Convention relating to the Status of Refugees: "While the nature of forced displacement is rapidly evolving, the responses available to the international community have not kept pace."[3]

A range of initiatives aims to better understand movements and protection needs in the context of crises.[4] Among these is Georgetown University's Institute for the Study of International Migration's (ISIM) project on crisis migration,[5] which seeks to discern the commonalities in movements and protection needs stemming from diverse humanitarian crises as a first step towards enhancing protection and assistance.[6] The project's preliminary findings relate to a range of thematic areas, including the vulnerabilities and protection needs of certain categories of at-risk populations who are not typically singled out as being vulnerable.[7] This paper presents findings relating specifically to noncitizens[8] caught in countries experiencing crises.

3  Mr. António Guterres, "Statement by Mr. António Guterres, United Nations High Commissioner for Refugees, Intergovernmental Meeting at Ministerial Level to mark the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness" (speech, Geneva, December 7, 2011), UNHCR. http://www.unhcr.org/4ecd0cde9.html.

4  See, for example, the Nansen Initiative, UNHCR's Guidelines on Temporary Protection or Stay Arrangements, and the International Organization for Migration's Migration Crisis Operation Framework.

5  For more information on Georgetown University's project on crisis migration, supported by the John D. and Catherine T. MacArthur Foundation, visit: http://isim.georgetown.edu/crisis.

6  The project posits three principal ways in which movement occurs in the context of crises: (1) displacement as a direct result of a crisis; (2) anticipatory movement in the context of impending crises; and (3) planned relocation, particularly for those who might be otherwise trapped in life-threatening situations. Displacement encompasses those who are directly affected or threatened by a humanitarian crisis and who are compelled to move. Anticipatory movement encompasses those who move because they anticipate future threats to their lives, physical safety, health or subsistence. Relocation, particularly for populations that may otherwise be trapped in life-threatening situations, encompasses those who are in harm's way, but are trapped in place and haven't moved due to physical, financial, security, logistical, or other reasons that impede movement. These movements may be temporary, protracted or permanent, internal or across international borders, and legal or (particularly with regard to the first two categories) clandestine. These categories are not intended to operate as legal definitions, but rather reflect an attempt to understand movement in the context of humanitarian crises. The categories are not mutually exclusive as individuals may move from one to another, or simultaneously fall into more than one.

7  Other at-risk populations that the research has examined include those who travel by sea, those who are trapped in place and require assistance to move out of harm's way, and those who are displaced to urban areas.

8  The term noncitizen is used in this article to describe persons who are present (regardless of duration or legal status) in a country in which they are not citizens. The term includes migrant workers, refugees, asylum seekers, stateless persons, students, and others.

Over the last 25 years, the world has witnessed numerous humanitarian crises in which noncitizens were among those most seriously affected. The issue first came to prominence during the Gulf War in 1990-1991, which affected more than one million noncitizens who were residing in Kuwait, along with hundreds of thousands in Iraq. Fifteen years later in 2006, renewed conflict in Lebanon posed considerable challenges for hundreds of thousands of refugees and asylum seekers, stateless persons and domestic workers from lower-income countries (Jureidini 2011). Outside the Middle East, post-election unrest in Côte D'Ivoire displaced thousands from neighboring countries in 2010. Many were left to find their own means of exit from the country, as evacuations and humanitarian assistance were thwarted by violence (Koser 2014). In 2011, when hundreds of thousands of migrant workers were caught up in political instability and civil war in Libya, the need to make provisions to better assist and protect noncitizens in times of crisis surfaced as a priority for policymakers. In the months that followed, the devastating consequences of the earthquake, tsunami and nuclear disaster in Japan along with severe flooding in Thailand and the worsening conflict in Syria, reified the need among states and the broader international community to formulate a coordinated response for noncitizens residing in countries in the throes of acute humanitarian crisis.

Humanitarian crises triggered by the sudden onset of violence, conflict or disaster have called attention to the risks to which noncitizens are exposed in these situations, as well as their protection needs. There is a tendency for the protection of noncitizens to fall through the cracks because of failure to understand and/or take account of the unique challenges they face, and because extant frameworks and mechanisms insufficiently articulate the responsibilities of different actors. In this context, in late 2013, amid mounting academic, institutional and policy debates at the UN High-Level Dialogue on International Migration and Development, the United States and the Philippines launched a state-led initiative on Migrants in Countries in Crisis (MICIC) to improve the capacity of states and other stakeholders to "prepare for, respond to, alleviate suffering, and protect the dignity and rights of migrants caught in countries in situations of acute crises" (IOM, n.d.).

With this political momentum as a backdrop, this paper seeks to shed light on protection implications for noncitizens caught in countries experiencing violence, conflict and disaster by examining five prominent crises across three continents between 2011 and 2012: the Libyan uprising; the Tohoku earthquake, tsunami and the Fukushima nuclear accident in Japan; flooding in Thailand; Hurricane Sandy in the United States; and the ongoing conflict in Syria.[9]

This paper illustrates that in the context of violence, conflict and disaster:

- Noncitizens may be distinctly vulnerable due to a range of factors pertaining to the underlying environment in the country experiencing the crisis and the responses of different actors. These include: transmission of crisis-related information in modes that do not cater to noncitizens; insufficiently-attuned laws and policies; exclusion

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9  These crises were chosen because media reports indicated that significant populations of noncitizens were affected in each of these situations. Evidence presented in this paper was collected through desk research using publicly available sources from international organizations, think-tanks, international nonprofit organizations, governments, and media outlets. There are limits on the extent to which it is possible to generalize from these examples, and this paper does not use a case study method with the intent of generalizing across all crises.

from or difficulties accessing or benefiting from relief services; lack of consideration of noncitizens in national frameworks; actions of rogue authorities and private actors; targeting due to ethnicity; border restrictions of contiguous countries; and lack of origin country mechanisms and capacity for protecting citizens abroad.

- Among noncitizens, different groups manifest distinct protection needs due to specific attributes. Those with heightened vulnerabilities may include: persons without immigration status; domestic workers; refugees; asylum seekers; stateless persons; and detainees.
- Noncitizens may be susceptible to violations of fundamental human rights.

The paper also describes a handful of promising practices in the context of humanitarian crises triggered by violence, conflict and disaster.

While the analysis emphasizes protection needs and responses *during* crises, it suggests that greater awareness of, and attention to, the vulnerabilities and protection needs of noncitizens throughout all phases of a crisis could mitigate harm to these populations (IOM 2014a).[10] Specific and targeted measures are needed to address vulnerabilities that affect noncitizens before a crisis, protection and assistance during a crisis and challenges that prevail following the abatement of a crisis. Responses may also need to be tailored to address the diversity of movements and non-movement that occur in the context of crises as people may move within a country, into neighboring countries or farther afield, or face impediments to moving out of harm's way and require assistance to relocate.

The paper provides an overview of the five crises, describes factors that influenced the vulnerability of noncitizens, and concludes with recommendations.

## Part 2: Recent Crises

### I. Libyan Uprising

In mid-February 2011, anti-government protests spread across Libya, meeting a violent crackdown from Colonel Muammar Gaddafi's regime (*BBC News* 2011a). Unlike the uprisings in Egypt and Tunisia, Libya's civil unrest descended into an armed conflict between government forces and North Atlantic Treaty Organization-backed rebels, which continued until Gaddafi's overthrow in October 2011. The main period of crisis ended with the fall of the Gaddafi regime, but weak rule of law and widespread insecurity has continued with suicide attacks, frequent abductions, and clashes between rival militias in and around towns and cities throughout the country.

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10  While this paper focuses primarily on the needs of noncitizens *during* crises, pre-crisis practices, as well as the experiences and protection needs of noncitizens in post-crisis situations warrants further research and analysis. It should also be noted that this desk study focuses primarily on the actions of states, which have principal responsibility for assisting and protecting noncitizens. Other relevant stakeholders to consider include: regional institutions and cooperation mechanisms; international organizations and coordination mechanisms, such as the Inter-Agency Standing Committee; employers, recruitment agencies and other private sector actors; civil society, including the Red Cross and Red Crescent movement; workers' organizations; and noncitizens and members of the diaspora.

Libya was a popular country of destination and transit for noncitizens due to its oil wealth and proximity to Europe. Some estimates before 2011 indicate the presence of up to 2.5 million noncitizens, including 1.2 million without immigration status (Aghazarm, Quesada and Tishler 2012). Thousands of foreigners occupied high-skilled jobs in the oil industry, health, and education sectors. However, the majority of noncitizens residing in Libya at the time of the crisis were men from Egypt, Chad, Tunisia, Niger, Mali and Sudan working in lesser-skilled occupations in the construction, agriculture, oil and service industries (Human Rights Watch 2011a).[11] Libya was also a transit and destination country for refugees and asylum seekers, and a recipient country of boats of mixed populations prevented from entering Europe (Frelick 2009). According to UNHCR, at the beginning of 2011, there were around 8,000 registered refugees and approximately 3,000 asylum seekers residing in Libya[12] from countries such as Côte D'Ivoire, Eritrea, Ethiopia, Iraq, Palestine, Somalia, Sudan and Western Sahara (Amnesty International 2011).

Prior to the crisis, the protection landscape for noncitizens inside Libya was far from favorable, colored by human rights violations, racial discrimination, and an uneven regional balance of power (Human Rights Watch 2011b). Existing protection challenges were aggravated by the outbreak of political unrest and armed conflict. The violence generated widespread suffering and mass displacement within and across the Libyan border, affecting a significant population of noncitizens.[13] Overall, between late February 2011 and January 2012, 790,000 noncitizens fled to neighboring Tunisia, Egypt, Chad and Niger, as well as Italy and Malta, to escape the escalating violence, although many of these countries were themselves experiencing some degree of political and economic instability (Aghazarm, Quesada and Tishler 2012, 11).[14] Forty-five percent of those who fled (316,321) sought refuge in a country that is not their country of origin (IOM 2011a). Due to lack of financial resources and travel documents, the vast majority of noncitizens had no personal means of exiting (ibid., 10). A total of 550,000 people were displaced within Libya in 2011 (UNHCR 2014b), a portion of whom were believed to be migrant workers, asylum seekers, refugees and stateless persons (Fiddyan-Qasimyeh 2011). Others, particularly noncitizens from Sub-Saharan Africa, were trapped or detained inside the country with little or no recourse, a phenomenon which only increased amid growing xenophobia, fear and mistrust of foreigners after the conflict began (Nebehay 2011). Human rights groups expressed concern that these persons faced arbitrary detention and abuse (Amnesty International 2013c).

11  Migrant workers in Libya also included tens of thousands from Asian countries (Aghazarm, Quesada and Tishler 2012).

12  UNHCR suspects that the true number is higher, given that many do not register. In 2007, although 12,000 refugees, asylum seekers, internally displaced and stateless persons in Lybia were registered with UNHCR, it estimated that there were close to 30,000 persons in need of protection residing in the country. See http://www.nationalityforall.org/libya.

13  In Libya, distinctions between different types of noncitizens (migrant workers, refugees, asylum seekers, stateless persons, diplomats, business travelers, tourists and students) are often blurred.

14  While 247,167 Libyan nationals crossed into Egypt during the crisis and 626, 010 went to Tunisia, the International Organization for Migration (IOM) notes that most of these movements were circular, with the vast majority of Libyans returning home by the end of August 2011. Notably, very few Libyans sought shelter at temporary camps on the border. Almost no Libyans were found among those arriving by boat on the shores of Italy and Malta, a mode of movement that comprised 3.9 percent of the overall number of people fleeing Libya (Aghazarm, Quesada and Tishler 2012, 11).

## II. Triple Disaster in Japan

On March 11, 2011, a 9.0 magnitude earthquake struck the Japanese coastline, triggered a 30-foot tsunami and decimated communities primarily in the northeastern prefectures of Iwate, Miyagi, and Fukushima (Bartel 2011). These natural occurrences prompted one of the worst nuclear disasters since Chernobyl at the Fukushima Daiichi Nuclear Power Station. The earthquake and tsunami killed more than 15,800 and injured over 6,000 (Izumi 2012b). The bulk of the death toll was associated with the tsunami (Ferris and Solís 2013). No deaths have been attributed to the nuclear explosion or the resultant radiation release, although stress and anxiety related to the incident have been credited with creating many health problems for those affected (Conca 2014). Approximately 465,000 people were evacuated (Ferris and Solís 2013). The economic cost of the crisis is estimated at $360 billion (ibid.), with 250,000 buildings damaged or destroyed, 4.4 million households without electricity and 2.3 million without access to water in the immediate aftermath (Koike 2011).

At the time of the triple disaster, Japan was home to roughly 2,078,480 noncitizens (Izumi 2012b). Chinese citizens constituted the largest enclave in Japan with South Koreans, Brazilians, and Filipinos comprising other sizeable populations (ibid). The noncitizen population included roughly 141,774 foreign students, the majority hailing from surrounding Asian countries, most significantly China and South Korea, and to a lesser extent Taiwan, Vietnam and Malaysia (JASSO 2010). The population of refugees and asylum seekers in Japan is much smaller than other classes of noncitizens: at the end of 2010, Japan was home to just 2,586 refugees and persons in refugee-like situations, 3,078 asylum seekers, and 1,397 stateless persons (UNHCR 2011).[15]

An estimated 700,000 noncitizens were residing in areas that were in some way affected by the triple crisis (IOM 2011b) with approximately 33,000 in the three main affected prefectures, 200,000 in the surrounding prefectures and 423,000 visiting the area (Izumi 2012b). The earthquake and tsunami killed 23[16] and injured 173 noncitizens (ibid.), while an estimated 470,000 foreigners are reported to have left Japan during the time of the disaster (Duncan 2013). Many refugees and asylum seekers also chose to leave (Koike 2011). There is little additional aggregate-level information on noncitizens affected by the crisis. Government efforts to track the missing indicate that Japan worked with foreign embassies to compile a list of at least 600 missing noncitizens and that this information was furnished to the local police and rescue administration (IOM 2011b).

## III. Flooding in Thailand

From August to December 2011, Thailand experienced its worst flooding in 50 years, creating devastating effects for residents and the economy and prompting the government to execute countrywide disaster management and relief measures. The floods were a byproduct of four major storms, which resulted in the country's highest level of rainfall

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15  The asylum seeker figure is based on the number of pending applications.

16  This figure does not include those missing and presumed dead. For more information on this see "Damage Measures and Police Countermeasures Report," accessible at: http://www.npa.go.jp/archive/keibi/biki/ higaijokyo_e.pdf.

in more than 60 years, and also heavily affected the neighboring countries of Laos, Cambodia and Vietnam, all of which had citizens residing in Thailand. As a result of the floods, Thailand incurred $45.7 billion in costs as of December 2011 (World Bank 2011; *The Economist* 2012). Sixty-six out of Thailand's 77 provinces were critically impacted (Bhoocha-oom and Dixon 2012). The central region, which generates a large portion of the country's economic output, experienced the longest period of flooding (Pongsudhirak 2011; Chariyaphan 2012).

Thailand has historically hosted large populations of noncitizens, especially from neighboring countries, who seek refuge from conflict and violence or greater opportunity within its growing economy (Jones and Im-em 2011). At the end of 2009, an estimated 3.5 million noncitizens resided in Thailand, comprised of refugees and asylum seekers, ethnic minorities without Thai citizenship (UNESCO 2014), permanent residents, students and migrant workers (IOM 2011c). Low-skilled migrant workers from Myanmar, Cambodia, and Laos represent the largest population of noncitizens in Thailand. These workers are primarily employed in sectors such as agriculture, construction and fishing (ibid.). At the end of 2010, there were an estimated 2.4 million noncitizens originating from these countries, with 1.4 million (almost 60 percent) designated as unregistered migrant workers[17] or family members. According to the International Organization for Migration (IOM), 141,076 refugees and asylum seekers were living in Thailand in 2010, and of this population, 95,330 refugees resided in camps along the Thai-Myanmar border (ibid.). Thailand is not a signatory to the 1951 United Nations Convention relating to the Status of Refugees. Thailand considers individuals whose visas have expired to be unauthorized immigrants and they are therefore subject to arrest, detention, and deportation (den Otter 2007, 14; Frelick and Saltsman 2012).

Overall, the floods affected 13 million people (Bhoocha-oom and Dixon 2012), with 1.5 million displaced (Yonetani 2012) and over 800 killed (*Agence-France Presse* 2011). A demographic breakdown of these statistics, particularly the total number of foreigners impacted or displaced by the crisis, is unavailable. However, out of the 3.5 million noncitizens estimated to be living in Thailand, one million migrant workers are believed to have lived in areas affected by the floods (Koser 2014). Aid workers put the number of migrant workers stranded due to the disaster at 600,000 (ibid.). The floods significantly impacted industrial parks in Ayutthaya and Pathum Thani, which employ large numbers of migrant workers, often in unsafe living and working conditions (Gemenne, Brücker and Ionesco 2012; IOM 2011c). Severe flooding in these areas put many migrant workers temporarily or permanently out of work (IOM 2011c). While only a few refugee camps along the Thai-Myanmar border were affected (ADRA 2011), UNHCR estimates that the floods also displaced 2,000 urban refugees and asylum seekers living in Bangkok (McKinsey 2011).

## IV. Hurricane Sandy in the United States

On October 27, 2012, Hurricane Sandy, the largest Atlantic hurricane on record, struck the

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17 "Unregistered migrant workers" refers to migrants who work in the country but do not have a valid work permit, though some may have a temporary Thai identification card procured through a previous formal registration or valid work permit.

densely-populated East Coast of the United States, creating widespread devastation for the residents of New York City, the New Jersey coastline, and Southern Connecticut (Webley 2012). This disaster, which media outlets and meteorologists termed a "super storm," left more than 130 people dead in the US, with fatalities recorded elsewhere in Haiti, Cuba, Puerto Rico, the Bahamas, the Dominican Republic, and Canada (Rogers 2012). Hurricane Sandy forced some 450,000 people to evacuate damaged and destroyed homes (Susman, Tanfani and Simon 2012). Overall, the disaster cost around $65 billion in damages, making it the most expensive storm in US history after Hurricane Katrina (NOAA, n.d.).

Some of the hardest-hit areas in New York and New Jersey contained large immigrant populations. The foreign-born population of New York City is the largest of any city in the United States (US Census Bureau 2011), at just over three million people. Roughly 51 percent of the foreign-born are naturalized US citizens. Of the foreign-born residents of New York City, 51.5 percent come from Latin America and the Caribbean; 27.5 percent from Asia; and 15.9 percent from Europe (ibid.). An analysis of data from 2000 to 2006 conducted by Jeffrey S. Passel estimated there were 535,000 unauthorized immigrants and 374,000 unauthorized workers in New York City, comprising 10 percent of the resident workforce (Kallick 2007). Meanwhile, in the nine New Jersey counties hardest hit by Sandy, the foreign-born population made up an average of 25 percent of the population in 2011, as compared with 21 percent of the population in the state overall (US Census Bureau 2011). In New Jersey, unauthorized workers comprised around 8.6 percent of the state's workforce (approximately 400,000 workers) in 2010 (Passel and Cohn 2011).

There are no comprehensive statistics that detail Sandy's impact on noncitizens. However, a nongovernmental organization survey of 416 self-identified immigrants living in the disaster-affected areas of Staten Island and Suffolk County, New York, revealed that one in three of those surveyed suffered damage to their home and/or personal property.[18] Obstacles to accessing assistance included confusion over eligibility, language barriers and fear of interacting with authorities (Torrens 2012).

Another issue affecting the protection of noncitizens was in the enforcement of labor law in the post-disaster recovery period. As in previous disasters, immigrant day labor was a key flank in the initial cleanup efforts. A survey of 11 workers' rights organizations conducted by the City University of New York found that, despite increased outreach by the US Department of Labor and the state labor departments of New Jersey and New York, more than three quarters reported the occurrence of wage theft, and 64 percent reported significant workplace injuries during the cleanup period (Cordero-Guzman and Pantaleon 2013).

### V. The Conflict in Syria

Since March 2011, peaceful protests against endemic corruption, inequality and brutality, have met with violent backlash, persecution, and suffering at the hands of government

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18  According to the organization, Make the Road New York, this figure includes foreign-born citizens who later obtained US citizenship, as well as persons who were foreign-born and not naturalized, and thus were considered noncitizens. A little over 5 percent of those surveyed were from Puerto Rico, and thus were US citizens at birth (Make the Road New York 2012, 16).

forces and non-state actors intent on disrupting civilian life and reaping destruction. In July 2012, the International Committee of the Red Cross (ICRC) declared a situation of non-international armed conflict in Syria (ICRC 2012). Shelling, bomb attacks and fierce fighting continue to devastate major cities, towns, villages and camps, with countless reports of house raids, arbitrary arrests and detention, disappearances, sexual violence and summary executions. Meanwhile, the nature of the conflict has severely restricted humanitarian access to both citizen and noncitizen populations inside Syria.

More than three years since the unrest began, Syria is in the grip of a humanitarian crisis that has killed more than 191,000 people and internally displaced over 7.6 million.[19] Others remain trapped, unable to move out of harm's way and without access to basic supplies. Over three million people have fled the country, the majority of them to neighboring Lebanon, Jordan, Turkey, Iraq and Egypt, while others have risked their lives attempting to cross the Mediterranean in a desperate bid to reach Europe.[20]

Hundreds of thousands of noncitizens have been affected by the crisis since 2011. The vast majority are refugees, asylum seekers and stateless persons, but also migrant workers, students, journalists, and aid workers. Of the 540,000 Palestinian refugees registered in Syria, approximately 270,000 have been internally displaced, while more than 50,000 have fled to Lebanon. Fewer have managed to cross the border to other neighboring countries, such as Egypt and Gaza (UNRWA 2014a). Of those still in Syria, more than 18,000 remain inside the Yarmouk refugee camp in Damascus, which has largely remained under siege since early 2013 (UNRWA 2014b). Almost all of the Palestinian refugees in Syria are reported to be in need of humanitarian assistance (UNRWA 2014a). With a resurgence of violence in Iraq and entry restrictions imposed by neighboring countries, thousands of Iraqi refugees in Syria also face limited options to escape from harm (UNHCR 2014a). In addition to refugee populations, a sizable population of migrant workers has been affected by the crisis. In 2010, Syrian labor officials estimated the number of domestic workers to be between 75,000 and 100,000, primarily consisting of women from Indonesia, the Philippines and Ethiopia (*IRIN* 2012a). In early 2013, the IOM, which has assisted with evacuations and repatriations of migrant workers from Syria, estimated that there could be up to 120,000 migrant workers in the country (IOM 2013).

## Part 3:  Protection Implications

This section discusses the experiences of noncitizens in the five crises and identifies some of the factors that impacted their vulnerability. These factors are analyzed on two levels: (1) those that are a product of the surrounding environment, such as risks pertaining to the underlying conditions in the country experiencing the crisis and the responses of

19  For the latest statistics on the situation in Syria, see: United Nations Office for the Coordination of Humanitarian Affairs, "Syria Crisis," http://syria.unocha.org/. See also Internal Displacement Monitoring Centre (IDMC), "Syria," http://www.internal-displacement.org/middle-east-and-north-africa/syria/. Note that due to the restrictions on access to Syria, numbers reported by the IDMC of internally displaced persons have not been updated since September 2013. Current numbers are thought to be considerably higher.
20  UNHCR, "Syria Regional Refugee Response: Inter-agency Information Sharing Portal," http://data.unhcr.org/syrianrefugees/regional.php. Between January and November 2014 alone, over 200,000 people have crossed the Mediterranean, with almost half from Syria and Eritrea (UNHCR 2014d).

diverse actors; and (2) those that stem from attributes specific to non-citizens or particular groups of noncitizens. In each of the five crises, factors on both levels converged to create complications for noncitizens. This analysis sheds light on fundamental human rights that may be compromised in crisis situations and a handful of these rights are also highlighted in this section.

### *I. Environment-Level Factors and Responses of Diverse Actors*

The vulnerabilities of noncitizens during humanitarian crises may be influenced by the underlying economic, social, political, and legal environment in the country experiencing a crisis, as well as the actions of government authorities and private actors.

#### TRANSMISSION OF CRISIS-RELATED INFORMATION

Lack of access to the internet or telecommunications may limit the ability to receive crisis-related information. Further, the limitations of relying solely on such forms of communication are exacerbated when coupled with language barriers faced by noncitizens affected by a crisis. The crises in Japan, the United States and Thailand speak to this dynamic.

During the crisis in Japan, the government provided critical information on its website and official Facebook page (IOM 2011b) and the radio network broadcasted disaster-related information in 17 languages (Izumi 2012a; Yamamoto 2013). In addition, phone signals were cut to allow more bandwidth for emergency services to communicate (Kaufmann and Penciakova 2011). Asylum seekers and refugees however, seemed to have had difficulties procuring reliable information (Koike 2011).

Where technology proves inadequate in reaching foreign-born populations, outreach operations may be effective particularly in reaching those who are unwilling and/or unable to leave their homes. In the United States during Hurricane Sandy, a nongovernmental organization concerned primarily with Asian communities conducted door-to-door outreach in Chinatown to check on housebound residents and provide them with information in the appropriate language (Mok 2012).

Although the Thai government provided some relief and relocation assistance to noncitizens, many were unable to benefit from this assistance due to, among other things, a lack of clear communication and information in their native language (Bhoocha-oom and Dixon 2012). Many migrant workers possessed little information about available rescue shelters and consequently could not access services (ibid.). Even if they were able to reach shelters, some migrant workers were turned away due to language barriers (Mahtani 2011).

#### INSUFFICIENTLY-ATTUNED LAWS AND POLICIES

Immigration and other laws and policies that are inadequately attuned to the protection needs of noncitizens in crises may heighten vulnerability. Continued immigration enforcement in these circumstances may place individuals in perilous situations by restricting their mobility or compelling them to make adverse decisions in order to preserve their ability to remain and work in the country. Thailand, Syria and Japan provide examples.

In Thailand, work permit stipulations and related policies limited the mobility of noncitizens and their access to information. At the time of the floods, more than 500,000 migrant workers held permits that restricted them to designated zones (Mahtani 2011). During the floods, police and immigration officials continued to enforce movement-related restrictions despite the Ministry of Labor temporarily voiding these policies (ibid.). Moreover, although the floods damaged many businesses, migrant workers were reluctant to seek alternative employment because doing so would result in losing a work permit and entering into unauthorized status (Koser 2014).

For domestic workers in Syria, an exit permit is required in order to leave the country and can only be obtained by the employer's consent and a fee paid to immigration officials (Russeau 2012; *IRIN* 2012a). Without receiving reimbursement for the recruitment costs of migrant workers, some employers refused to give permission to grant a permit, presenting an obstacle for women trying to escape the conflict zone (Torres 2012; Sevilla 2013). In September 2012, however, after a visit from a delegation from the Philippines, the Syrian government agreed to waive the exit permit and fee for Filipino nationals (the vast majority of whom were female domestic workers) and posted the announcement in newspapers (Center for Migrant Advocacy 2014). Between March 2011 and September 2013, more than 4,500 Filipino workers had been repatriated from Syria (Esplanada 2013). The fate of thousands of other domestic workers thought to be residing in Syria remains unknown and, thus far, the Syrian government has not waived exit visas for any other nationality. For the many domestic workers who reside in Syria without authorization, there is no means of obtaining an exit permit.

Although the Japanese government facilitated re-entry processes for some classes of noncitizens (Izumi 2011a), asylum seekers and refugees appear to have been excluded from similar accommodations (Koike 2011). According to a representative from the Japan Association for Refugees, this presented difficult predicaments for many including having to choose between staying in the country during the crisis, returning to their countries of origin where they may face persecution, traveling to another country and potentially jeopardizing their application for refugee status, or breaking up families (Koike 2011).

### EXCLUSION OF NONCITIZENS FROM RELIEF SERVICES

In crisis situations, response and recovery assistance and programming may not cater to the particular needs of noncitizens. Moreover, they may be excluded from relief services. Thailand and the United States provide examples.

Reports indicate that rescue shelters provided by the Thai government were largely inaccessible to noncitizens due to geographic isolation from migrant worker-concentrated areas, lack of translation services, and the inability of noncitizens to present identification documents either due to immigration status or loss of documents in the floods (Htwe 2011; Mahtani 2011). There are also reports that the severity of the crisis forced Thai authorities to prioritize their own citizens and turn away migrant workers from evacuation centers (Mahtani 2011). The government made some efforts to respond to this issue by establishing at least a couple of shelters specifically for noncitizens. One, which was set up in Nakhon Pathom (and was later moved to Ratchaburi due to fears of further flooding),

provided relief supplies and free health care. However, it quickly filled to capacity and became overcrowded with roughly 432 people (ibid.; Ashayagachat 2011; USAID 2011). A second shelter established by the Department of Employment and Ministry of Labor also provided basic humanitarian supplies as well as some tailored services including temporary employment placement and assistance with returning to countries of origin. The shelters' limited capacities still left thousands of migrant workers without assistance (Bhoocha-oom and Dixon 2012; Mahtani 2011).

In the United States, while certain types of assistance were made available to noncitizens, only 22 percent of 416 self-identified immigrants surveyed in the disaster-affected areas of Staten Island and Suffolk County, New York applied for US or local government assistance (Make the Road New York 2012, 17). One contributing factor was that unauthorized immigrants were not eligible for federal cash assistance unless there was a US citizen child in the household. However, all affected persons were eligible for crisis counseling and non-monetary assistance, such as food and blankets (FEMA 2004). Confusion over the eligibility guidelines was the most frequently cited reason for not applying for aid (Llenas 2012).

### LACK OF CONSIDERATION FOR NONCITIZENS IN NATIONAL FRAMEWORKS

The absence of national frameworks to account for the assistance and protection needs of noncitizens in humanitarian crises may aggravate their vulnerability. For example, the exclusion of noncitizens from Thailand's relief services arguably reflects an overall lack of consideration of them by the Thai government in disaster management planning (Hall 2012b). Thailand does not explicitly include this population as part of the country's permanent disaster management infrastructure, and no government agency was assigned responsibility for supporting this population during the floods (Hall 2012a). Representatives from the Ministry of Foreign Affairs and the Immigration Bureau were notably missing from the National Disaster and Prevention Committee, which is the government's primary emergency planning apparatus (Chariyaphan 2012).

### ACTIONS OF ROGUE AUTHORITIES AND PRIVATE ACTORS

The actions of corrupt authorities may elevate the vulnerability of noncitizens by creating added costs and impeding the ability to escape harm. This is also the case where regulatory environments allow private actors such as employers to confiscate travel documents with impunity. Both Thailand and Libya provide examples.

Immigration authorities at the Thailand-Myanmar border made it more difficult for migrant workers to escape the floods by reportedly demanding fees between THB 12,000 and 15,000 (US $400-$500) for crossing the border (Koser 2014). A large number of migrant workers were employed in industrial parks in Thailand with poor living and working conditions and salaries below the national minimum (IOM 2011c). At the time of the crisis, there were reports that employers failed to pay outstanding wages and withheld travel documents, with some even demanding high fees for their return (Amnesty International 2012).

Lawlessness persisted in parts of Libya, with the government unable and/or unwilling to

control militias in the country. Smuggling of Sub-Saharan noncitizens by Libyan gangs continued across the country's borders (Murray 2012a). Media reports suggest that local militias cheated noncitizens trying to escape from Libya out of their savings by falsely promising them passage by boat to Europe (Ba 2013).

### ETHNIC PROFILING

In crisis situations, if hostility towards "otherness" or perceived "outsiders" increases, noncitizens may become targets of xenophobic violence and discrimination. This was an issue in Libya.

Deeply-rooted racial discrimination against Sub-Saharan Africans within Libyan society was exacerbated by the politicization of race and ethnicity, as certain groups of foreigners became associated with distinct political factions embroiled in the conflict. Colonel Gaddafi recruited some Sub-Saharan Africans and ethnic minorities into his armed forces, in many cases through coercion with the promise of identification papers (Fahim and Kirkpatrick 2011; Murray 2012b). Following reports that African mercenaries had been recruited to fight on behalf of Colonel Gaddafi, migrant workers, refugees and asylum seekers from Chad, Niger, Mali, Nigeria, and other Sub-Saharan countries became targets of arbitrary arrest and violence by rebel factions and vigilante groups (Human Rights Watch 2011a). Non-Arab minority groups such as the Tebu, Tuareg and Amazigh—some of whom may be stateless (van Waas 2013)—were also vulnerable to marginalization and racial discrimination at the height of the violence. In particular, Tuaregs in Awbari reported experiencing attacks and looting on a weekly basis due to the alleged involvement of some as mercenaries in pro-Gaddafi forces (*IRIN* 2012b).[21]

### BORDER RESTRICTIONS OF CONTIGUOUS NEIGHBORING COUNTRIES

In times of crisis, particularly in conflict situations when the need to cross borders in order to escape harm is often greater, restrictions on entry to contiguous neighboring countries may disproportionately affect noncitizens. For example, restrictions of countries bordering Syria have heightened risk of harm for refugees. While Lebanon allowed intermittent entry by Palestinian refugees until the recent imposition of visa restrictions on all refugees from Syria, Jordan has refused entry to Palestinians since early 2013. This has left many Palestinians with limited options: to remain inside the conflict zone or risk traveling across the country to attempt crossing to Lebanon. Iraqis have faced similar problems in reaching safety, compelling some to return prematurely to Iraq and others to remain inside Syria (*Middle East Monitor* 2014).

### MECHANISMS AND CAPACITY FOR PROTECTING CITIZENS ABROAD

Noncitizens whose countries of origin do not have policies and mechanisms in place to assist citizens caught in humanitarian crises in other countries may face increased exposure

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21  See also, *Report of the United Nations Inter-Agency Mission to Southern Libya*, November 15-18, 2011, on file with the authors

to harm. For example, during the initial stages of the Libyan crisis Bangladeshis reportedly ran into difficulties procuring passports and travel documents, and accessing embassy personnel (*BBC News* 2011b). In Thailand, there were reports of Burmese embassy officials denying services to flood-affected Burmese citizens based on the fact that they had left Myanmar in breach of immigration laws (Hall 2012b, 8).

The vulnerability of noncitizens is also affected by the capacity and know-how of their country of origin to provide assistance. With some notable exceptions, noncitizens from developing countries may be relatively more vulnerable than those from developed countries as their diplomatic missions may have poorer emergency infrastructure and may therefore need external assistance from other countries, intergovernmental organizations and/or civil society.

In Libya, the evacuation of high-skilled British and Canadians, among others, began early-on in the crisis and was generally characterized by fewer complications than the experiences of Chadians, for example, who were forced to travel in poor conditions and required substantial assistance from humanitarian organizations (Williams and Millar 2011; Aghazarm, Quesada and Tishler 2012). South Korea also employs a robust set of overseas protections for its citizens abroad through its Ministry of Foreign Affairs (Young-ho 2012). Among the support services are programs to provide citizens with emergency cash assistance and a series of emergency communications programs, including the Travel Advisory System, Safe Travel Campaign, traveler registration system and dissemination of safety information via text message (ibid.). In Japan, the Korean government issued its Rapid Deployment Team, which mobilized evacuation transportation, including military aircraft and coastguard boats, primarily for Korean citizens within 20 kilometers of the disaster zone (Asiaone 2011). Similarly, the Philippines has chartered flights to evacuate citizens and deployed high-level delegations to countries experiencing crisis such as Syria and Libya to negotiate and facilitate safe removal of Filipino citizens (Reyes 2012). In an effort to assist its citizens residing in the United States, the Mexican government filled some of the gap in access to services following Hurricane Sandy. The Mexican Consulate gave around $500 in cash to each affected citizen, replaced lost documents and provided psychosocial support (*24 Horas* 2013).[22]

## II. Attributes Specific to Particular Groups of Noncitizens

The attributes of certain groups of noncitizens may create unique challenges. Depending on the crisis situation, these attributes may translate into varying degrees of vulnerability. Groups that are differentially vulnerable based on distinct attributes are distinguished below.

### Noncitizens without Immigration Status

Persons residing in a country without immigration status may face unique challenges during violence, conflict and disaster. For example, their status may inhibit the ability to access or benefit from relief services, such as emergency assistance or evacuation. Where fear of

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22  Claudia Zamora, Mexican Consulate, Personal Interview, 4 April 2014.

government authorities prevails, the vulnerabilities of unauthorized noncitizens may be exacerbated. In order to avoid authorities and reduce the chance of arrest and deportation, the unauthorized may take actions that aggravate their own vulnerabilities or increase their exposure to harm, such as by remaining in crisis-affected areas or failing to seek assistance. Lack of knowledge of the circumstances and whereabouts of the unauthorized may also impede authorities from providing relief to these populations. Hurricane Sandy, the flooding in Thailand and the conflict in Syria provide examples.

In Thailand, many noncitizens decided to stay in flood-affected areas due to fear of police and immigration officials and the risk of being arrested, deported, or jeopardizing prospects of future employment (Koser 2014). As noted previously, the restrictive regulatory environment for lesser-skilled workers residing in Thailand also resulted in authorized workers being trapped within flood-affected areas, as movement restrictions were ordinarily tied to work permits (*IRIN* 2011).

In the United States, while a certain amount of temporary relief was available for those without immigration status, including crisis counseling, disaster-related legal services and other forms of non-cash emergency aid, many people were unaware or confused as to the extent of their eligibility and whether or not their coming forward to receive aid would put them or their families in danger of deportation (Torrens 2012). Fear of approaching authorities for assistance was also an issue in mixed-status families, particularly if the only US citizen in the family was an infant or child reliant on unauthorized family members to navigate eligibility guidelines to seek support on their behalf (Make the Road New York 2012).

Fear of authorities may also prompt the unauthorized in particular to use illegal brokers, human smuggling networks and other clandestine means to escape harm, becoming easy prey for exploitation. For example, migrant workers in Thailand hired illegal brokers to transport them in and out of the country using clandestine routes at costs between THB 2,500 to 4,000 (US $80 to $130) per person (Hall 2012a). They traveled by night in large trucks that held up to 150 people, and were highly susceptible to exploitation by immigration officials in Myanmar and Thailand, as well as Burmese militia groups (*IRIN* 2011).

In Syria, where some 90 percent of migrant workers from the Philippines were thought to reside without immigration status in 2012, officials from the Philippine government have struggled to locate the whereabouts of female domestic workers. Government officials from the Philippines have attempted to reach out to those in major cities through radio announcements and leaflet campaigns. However, there are few records of the locations of these women, who appear to be scattered throughout the country and living in the midst of conflict in the homes of employers who may or may not release them from their jobs (Sevilla 2013; McGeown 2012).

### FEMALE DOMESTIC WORKERS

Isolation and lack of access to social networks may impact the extent to which noncitizens are able to access protection and assistance in crisis settings. While isolation may stem from language barriers and other factors such as fear of arrest and deportation, it may also

be exacerbated by the nature of employment.

As noted above, female domestic workers often work in isolated conditions. They have been described as invisible due to their confinement to employers' homes and their dispersal within countries of destination (IASC Gender Sub-Working Group 2011). Isolated domestic workers may have limited access to information in crisis situations and may encounter difficulties in escaping harm, particularly in contexts where their travel documents and mobile phones are confiscated (IOM 2012).

In April 2012, as the fighting in Syria intensified, a domestic worker from the Philippines was allegedly killed by sniper fire as she tried to flee from her employer in Homs to seek shelter at the Philippine Embassy in Damascus (Russeau 2012). Other domestic workers who had fled Syria reported having experienced forced relocation with employers to Lebanon, and heightened abuse and exploitation at the hands of employers taking advantage of diminished regulations amid the crisis situation (Habbab 2014).[23]

### STATELESS PERSONS, REFUGEES AND ASYLUM SEEKERS

Noncitizens who are unable or unwilling to avail themselves of the protection of their country of origin or residence and those who are not considered nationals by any country may face additional challenges in accessing assistance and protection. This was apparent in both the Libyan and Syrian crises.

Refugees and asylum seekers who were able to flee the fighting in Libya, largely from Eritrea, Somalia and Sudan, were assisted by UNHCR at border camps in neighboring Egypt and Tunisia (Ambroso 2012, 6-7). Around 900 refugees and 350 asylum seekers remained in the Salloum border camp in Egypt some eighteen months after they became secondarily displaced as durable solutions remained elusive (Abughazaleh and Al Achi 2013).

In Syria, hundreds of thousands of Palestinian refugees have been displaced, many of whom have been trapped inside besieged areas without food and medical care (UNRWA 2014c). For those attempting to seek refuge in neighboring countries, options are limited, as Jordan has denied entry to Palestinians possessing only a Syrian travel document since late 2012.[24] While Lebanon continues to allow intermittent access to Palestinians, they remain exposed to heightened vulnerabilities due to border closures, barriers to legal migration, threats of deportation and limited humanitarian assistance (Human Rights Watch 2014).

Also in Syria, tens of thousands of Iraqi refugees who once fled sectarian violence in their country have faced the dilemma of risking return to an increasingly unstable Iraq, remaining in Syria amid ongoing conflict, or traveling illicitly by land, air or sea to other countries in search of safety. While more than 50,000 Iraqis were reported to have returned to Iraq in late 2013, little is known about the fate of around 149,000 estimated to be in

23  Another example of the way in which this population was affected in a crisis situation is the 2006 conflict in Lebanon, when thousands of female domestic workers from South and Southeast Asia were caught up in the violence (*IRIN* 2006; Jureidini 2011).
24  Note that some Palestinian refugees residing in Syria have Jordanian citizenship, which would allow them to cross the border into Jordan (Amnesty International 2013a).

Syria. UNHCR reported that it was assisting 28,300 Iraqi refugees inside Syria in late 2013 (UNHCR 2014a).

*Noncitizens in Detention*

Noncitizens may suffer from arbitrary arrests and heightened abuses in detention during times of crisis, particularly in situations where chaos and criminality prevail. Those who are already detained at the height of a crisis may also be particularly vulnerable to harm, especially if detention centers are affected and enveloped in the crisis.

In Libya, thousands of noncitizens were reportedly subject to arbitrary arrests and held in deplorable conditions, which included being burned, beaten with electrical cables, housed in overcrowded rooms, and denied access to adequate food, water, basic medical care and hygiene (Amnesty International 2013b). In August 2013, it was reported that some were being held in the Tripoli Zoo along with animals (Westcott and Wahhab 2013).

### Human Rights Implications

The above discussion demonstrates that in situations of disaster, violence and conflict, a range of fundamental human rights may be implicated. Beyond the rights to life and security of the person, which may affect both citizens and noncitizens in a similar manner, noncitizens may be particularly vulnerable to violations of other fundamental rights. These include the prohibition against discrimination (for example, in the provision of relief services), the prohibition on *refoulement* (where individuals fleeing persecution or other forms of serious harm are restricted from entering neighboring countries), the right to leave any country (for example, in contexts where exit permits limit the ability of noncitizens to depart a country, or where employers confiscate travel documents) and the right to freedom of movement (for example, where mobility restrictions are placed on authorized workers), among others.

## PART 4: Promising Practices

While each of the crises discussed in this paper reveal circumstances in which noncitizens' vulnerabilities have been exacerbated, the crises also feature actions by various stakeholders that have the potential to mitigate such vulnerabilities. These practices provide lessons for addressing the protection needs of noncitizens in future humanitarian crises. The following section provides a brief review of a handful of examples of these promising practices.

### Communication Systems

Communications mechanisms that are designed to operate at the community level are important for relaying crisis-related information and providing support networks, particularly in situations of isolation, power shortages, or where noncitizens' access to technology may be limited. Civil society in the Philippines, for example, has invested in cultivating support networks for its citizens abroad based on the premise that they

themselves can reach and assist one another in crisis situations. This initiative, named *Balabal* (shawl or cloak) was effective in supporting civil society and the Philippines government to assist a group of migrant workers trapped in Syria, enabling them to reach safety and return home (IOM 2011b). Similarly, where technology is available, a variety of multi-lingual dissemination mechanisms may facilitate more effective communication of crisis- and relief-related information to noncitizens, ensuring that those who may not have host language proficiency are able to understand important messages.

Both Japan and the United States broadcasted emergency information via websites and online social networks in multiple languages. The Japanese Ministry of Foreign Affairs (MOFA) assumed a prominent role in supporting noncitizens in at-risk areas of the country during the 2011 triple disaster. Immediately following the earthquake, a special page on the website of the MOFA was set up for the purposes of sharing up-to-date information in both Japanese and English surrounding the crisis and rescue efforts (IOM 2011b).  The radio network was also used to broadcast information in 17 languages. Updates were provided in English, Arabic, Bengali, Burmese, Chinese, French, Hindu, Indonesia, Korean, Persian, Portuguese, Russian, Spanish, Swahili, Thai, Urdu, and Vietnamese (Izumi 2012a; Yamamoto 2013). In the United States, the government provides web-based information on crisis situations through a comprehensive and user-friendly site called, "Ready: Prepare, Plan, Stay Informed," in 12 languages other than English, including: Arabic, Chinese, French, Haitian, Hindi, Japanese, Korean, Russian, Spanish, Tagalog, Urdu and Vietnamese.[25]

### *Temporary Cessation of Immigration Enforcement Activities*

As noted earlier, fear of law enforcement may deter noncitizens from coming forward to seek relief assistance or inhibit them from moving out of harm's way. To address this concern, US authorities suspended certain enforcement activities in anticipation of Hurricane Sandy. Shortly before the storm hit, Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) issued a joint statement in multiple languages confirming that in the event of an officially-ordered evacuation or an emergency government response, their highest priority would be to promote safe evacuation and life-saving assistance while maintaining public order. Moreover, the statement reported that there would be no immigration enforcement initiatives associated with evacuations or sheltering related to Sandy, including the use of checkpoints during an evacuation.[26] Similarly, the United States Citizenship and Immigration Services (USCIS) issued a statement to alert individuals affected by the storm of "temporary immigration relief measures" and to express understanding that a natural disaster may impede an individual's ability to maintain lawful immigration status or obtain certain benefits (USCIS 2014).

 In order to ensure that information is disseminated accurately and effectively, civil society organizations have an important role to play in reaching immigrant populations who might not trust or otherwise be aware of government announcements.

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25  See http://www.ready.gov/.

26  See "ICE-CBP Joint Message Regarding Hurricane Sandy," October 2012. http://www.dhs.gov/ice-cbp-joint-message-regarding-hurricane-sandy.

### *Creating Channels for Re-entry*

Some noncitizens will put themselves in high-risk situations and remain in countries that are undergoing crises out of fear that they may be unable to return. In Japan, the Ministry of Justice and the Immigration Bureau made it easier for many affected foreigners to obtain reentry by swiftly processing visas and return applications, and allowing reentry for those whose visas were not valid for renewal (Izumi 2012a). Additionally, the government eased, to some extent, management of Certificates of Eligibility, a document which verifies that a person meets certain conditions for immigration (ibid). Asylum seekers and refugees however, appear not to have benefited from similar privileges (Koike 2011).

### *Targeted Action to Address Unique Needs That Arise During Crises*

In crisis settings, services that uniquely address challenges faced by noncitizens may mitigate vulnerabilities. During the floods in Thailand, the Ministry of Labor created the Flood Relief and Assistance Center for Migrant Workers, which provided a number of targeted services, including some employment opportunities and assistance with returning to countries of origin (Boocha-oom and Dixon 2012, 10). Following the flooding, Thailand began to work with neighboring countries on bilateral agreements to streamline the legalization process for some migrant workers and to create systematic channels for them to return to their countries of origin. The government of Myanmar also worked with Thai officials to open recruitment centers and offices for processing documents for migrant workers (Hall 2012a, 2012b). An additional example was seen in the Philippines government delegation to Syria to negotiate the exit of Filipino domestic workers stranded there. During the crisis in Libya, it was reported that the vast majority of the population of 916 Sahrawi stateless students were evacuated and returned to camps in Algeria, courtesy of the Algerian government. In this instance, it is notable that in the absence of a country of origin for Sahrawis, Algeria assumed responsibility to move these students to safety, as the host country to the largest number of Sahrawis, who reside across five desert camps in Tindouf (Hall 2012b, 13).

### *Seeking External Assistance*

As the situation in Libya deteriorated in early 2011, Bangladesh actively sought financial and technical assistance for repatriating its citizens to safety. Out of an estimated 50,000 Bangladeshi citizens thought to be residing in Libya, more than 30,000 had returned home with IOM assistance by the end of March, while another 6,500 were evacuated in subsequent weeks. The repatriation of another 10,000 migrant workers was paid through a $40 million World Bank loan which Bangladesh secured as the crisis unfolded. The majority of the loan was allocated to provide livelihood support and reintegration assistance for returnees (Kelly and Wadud 2012).

While the examples of promising practices highlighted above focus primarily on actions that could be undertaken before or during crises, the needs of noncitizens may continue to persist well after the abatement of the crisis. In such situations, post-crisis interventions that address needs and challenges, including outstanding wages, compensation, psychosocial trauma, and reintegration, may become necessary. Similarly, tailored responses to the protection needs associated with the mobility of noncitizens are critical.

## Conclusion

With more people than ever living outside their home countries, new and sustained eruptions of violence and conflict, and the frequency and intensity of disasters predicted to increase, noncitizens will continue to be caught in countries experiencing crises. This paper has described some factors that influenced the vulnerabilities and protection needs of noncitizens caught in five crisis situations. It has highlighted specific groups of noncitizens which require targeted action to mitigate vulnerabilities based on distinct attributes, identified implications for fundamental human rights, and presented a selection of promising practices to address their needs.

There are limits on the extent to which generalizable lessons may be drawn from the five crises and examples provided. Nonetheless, the examples suggest that interventions addressing three key issues are valuable when undertaking efforts to alleviate challenges noncitizens may encounter in accessing assistance and protection during crises, and to mitigate their exposure to harm. These interventions apply primarily to countries experiencing a crisis, but also to origin countries seeking to assist and protect citizens abroad. They include the following:

1. Actions aimed at addressing the underlying legal and policy landscape to minimize the vulnerabilities of noncitizens when a crisis occurs. These actions may include:

- Mapping the size, location, demographics and categories of noncitizens in country.
- Providing increased communication channels between countries of origin and noncitizens abroad through mechanisms such as the establishment of designated focal points at consulates and/or the creation of trusted social networks among the diaspora in countries of destination.
- Ensuring noncitizens are explicitly factored into contingency planning and crisis-preparedness measures at both national and local levels.
- Allocating one (or more) department(s) at the national and local government levels to be responsible for the protection of noncitizens in the context of crises.
- Reviewing and reforming laws and policies that could exacerbate the vulnerabilities of noncitizens in crisis situations, such as those that place restrictions on freedom of movement or impede the ability to leave the country.

2. Actions aimed at ensuring that all categories of noncitizens are able to access, understand and navigate information regarding emergency and relief assistance and are able to utilize them when a crisis occurs. These actions may include:

- Ensuring emergency and relief messages are communicated in multiple languages and using a range of modes that meet the particular circumstances of different categories of noncitizens.
- Enlisting the support of civil society and other actors to assist noncitizens in accessing services for which they are eligible.

3. Actions aimed at limiting the exposure of noncitizens to harm when a crisis occurs through targeted measures that address their needs and vulnerabilities. These actions may include:

- Non-discriminatory access to life-saving and emergency relief services.
- Prompt accountability for violations of laws by government authorities and agents.
- Calling on external actors to provide resources and technical assistance when necessary.
- Limiting or suspending immigration enforcement activities in favor of providing life-saving assistance.
- Ensuring that lack of documentation—which may be due to unauthorized status, confiscation by employers, or loss during the crisis—does not inhibit access to relief, and there are mechanisms in place to provide replacement documentation to facilitate travel.

The state-led Migrants in Countries in Crisis Initiative spearheaded by the United States and the Philippines, with Australia, Bangladesh, Costa Rica, Ethiopia and the European Commission (in partnership with the IOM, UNHCR, ISIM, and the Office of the Special Representative of the UN Secretary General on International Migration) seeks to develop non-binding voluntary guidelines with a view to enhancing protection and assistance for noncitizens caught in violence, conflict and disaster (IOM 2014b). The initiative is an important step in advancing global governance of crisis migration and addressing gaps for at-risk populations.

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